FULLER-JEFFREY
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NORTHERN GROUP

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R.L. Caron
Senior Vice President

October 15, 1998

Secretary
Federal Communications Commission
1919 M Street NW
Washington, DC 20554

RE: Comments on MM Docket 98-93

Dear Sir or Madame:

Fuller-Jeffrey Broadcasting wishes to file comments on the Commission's "Technical Streamlining" Proposal prior to the deadline for filing such comments, October 20, 1998.

Enclosed herewith one original and nine copies for distribution to each of the Commissioners.

Very Truly Yours,

Robert L. Caron
Senior Vice President

Before the

Federal Communications Commission

Washington, DC 20554

In the Matter of	)	
	)	
1998 Biennial Review –	)	
Streamlining of Radio Technical	)	MM Docket No. 98-93
Rules in Parts 73 and 74 of the	)	
Commission's Rules	)	
	)	

To: Chief, Mass Media Bureau

COMMENTS OF FULLER-JEFFREY BROADCASTING ON THE COMMISSION'S "TECHNICAL STREAMLINING" PROPOSAL

Fuller-Jeffrey Broadcasting Companies, Inc. (FJBC) hereby submits comments on the above referenced Notice of Proposed Rule Making and Order adopted June 11, 1998, as modified by Order adopted July 23, 1998. FJBC is licensee of 12 radio stations in Maine and New Hampshire.

A. Negotiated Interference

Among the FCC's most important responsibilities as a regulatory agency is its authority to keep the frequencies it oversees as free of interference as technology and practicality permit. It could be said that if interference were not a high priority public interest concern, many of the FCC's ancillary functions relating to licensing, technical standards, and allocations could be eliminated or scaled back.

FJBC believes that, even with the implementation of some or all of the proposed safeguards, negotiated interference would ultimately lead to the detriment of the integrity of the FM band. Because the industry is still testing and developing In-Band On-Channel (IBOC,) the final technical requirements for acceptable digital performance remain unknown and any relaxation of the current interference standards has the potential of forever limiting the full implementation of IBOC at stations that might have been unknowingly tempted by the short-term gains of negotiated interference.

B. Contingent Applications

FJBC favors extending to FM stations the FCC rule that allows the filing and processing of contingency applications in the AM service, with certain reservations. Specifically, should the Commission decline to promulgate new rules on "negotiated interference" (supra, Sec. A,) procedures under which contingent applications are processed should be formulated to preclude any possibility that such might be used to circumvent rules on interference standards.

C. Intermediate Class of Class C FM stations

Again, FJBC entreats the Commission to not hastily re-arrange the FM band without a clear understanding of the still-unsettled requirements for the full implementation of IBOC. With spectrum for other digital systems such as Eureka-147 unavailable to U.S. radio broadcasters, IBOC remains the only alternative upon which today's radio broadcasters can hinge any hope of providing free digital service to the public and of remaining competitive for listeners with the soon-to-arrive DARS. The proposal to downgrade over 500 current Class C stations to a new C-0 designation is based on incomplete information on costs versus benefits, and is premature given the uncertain state of development of the present analog radio service conversion to digital.

D. Reduced Mileage Separation Requirements for Second and Third Adjacent Channel Stations

Again, a proposal of minuscule projected benefits that are far outweighed by the threat of unwittingly limiting the development and implementation of IBOC—the broadcasters only expectation of remaining competitive with the new technologies readying to rain down upon us both from space and from terrestrial repeaters before the end of the decade. Considering the proliferation of AM daytimers in the 1960s, the 80-90 "drop-ins" during the 1980s, and the imminent creation of another 200 "stations" with DARS, it's difficult to imagine a compelling need to re-order the existing FM band prior to knowing with great certainty the technical needs of the new digital radio systems. IBOC stations must, as has been deemed essential with DTV stations, be able to provide digital service to a minimum of 95% parity to the present analog contours or suffer competitive disadvantages that might ultimately send all or most mass appeal programming to the pay services. The price of an ill-advised decision turning the FM band into a near clone of the AM dial—itself a monument to impulsive thinking and poor planning—is inestimable.

E. Point-to-Point Contour Prediction Methods

There can be no argument that present methods of predicting FM station contours and the assessment of station interference leave much to be desired in hilly and mountainous regions. However, it has not been conclusively determined that, on balance, the "Point-to-Point" method is a worthy replacement given that it exaggerates interference predictions over flat terrain. FJBC recommends the Commission reserve judgment at least until the effects of changes to the National Geologic Survey database on the "Point-to-Point" system can be properly assessed. Beyond that, any new system should be clearly superior to the existing method in every essential manner, and not merely so with respect to mountainous or hilly regions of the country.

F. Review of Class D FM rules

Since 1979, the Commission has taken a position that ten-watt stations are inefficient users of spectrum and has declined to license any new such facilities. FJBC finds a curious dissonance with that policy in the above referenced Notice of Proposed Rule Making and Order: the suggestion that the remaining 135 Class D ten watt licenses be re-ordered into stations that are assured a five kilometer radius of coverage scattered throughout the commercial portion of the dial. It is difficult to perceive a difference between the inefficiency of a ten-watt station and that of one that covers a three-mile circle—unless the proponents of this change are seeking a 'back door' floor plan for the introduction of a low-power FM service. Any change to the current Class D rules also has the potential to demand more of the Commission's limited personnel resources, an unintended consequence which would seem to be at cross purposes to the "streamlining" concept that underlies this proceeding. Again, FJBC would respectfully ask the Commission to await a proper assessment of the impact of the arrival of 200 new digital satellite channels and the final technical requirements of IBOC before making any further adjustments to the only remaining available spectrum for the present-day suppliers of free, over-the-air broadcasting.

G. Redefining "Major" Changes as "Minor" Changes

Stations in the AM, noncommercial FM, and FM translator services, in contrast to those in the FM service, should be relieved of the burdens and delays imposed on them under current rules that classify many routine changes in facilities as "major." Fairness dictates that the FCC revises its rules for such unduly burdened stations to comply with those of the current FM model.

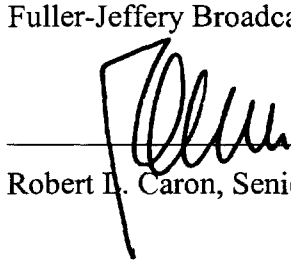
H. Summary

FJBC urges the Commission to exercise extreme caution in moving on any proposals, however well intentioned they may appear to be, to expand the present FM band's capacity to accommodate more signals until the needs of the digital future are fully understood. Today's free, over-the-air radio broadcasters have no additional spectrum to which they may flee—as was the case when AM broadcasters discovered they had irretrievably fouled their own nest by shoehorning pencil-beam directionals and daytimers in every possible silent spot on the dial. That radio broadcasting continued to prosper in the wake of that debacle can be credited solely to the fact that the AM operators of the day had another clean slate on which to re-invent broadcasting in a more prudent manner: the FM band.

Today, the present FM dial is apparently the end of the road for free, over the air broadcasting. Radio no longer has a higher-frequency block awaiting occupancy as was the situation with AM in the 1960's, or as presently exists for other spectrum users such as TV broadcasters, Common Carriers, Land Mobile operators, the Amateur Radio Service, and Public Safety licensees. Radio broadcasters have pinned their digital future on the evolving technology of IBOC. There is no room for error. To repeat the overpopulation folly of the AM band on FM might forever hinder the full implementation of IBOC digital and would be a grave disservice to the public interest concerns entrusted to the Commission. Any changes to the existing interference standards, spacing requirements, and minimum levels of power must be made in the context of a secure and complete knowledge of the technology that will carry this most fundamental form of broadcasting—advertiser supported, free, over-the-air radio—well into the next millennium. That time has not yet arrived.

Respectfully submitted,

Fuller-Jeffery Broadcasting Companies, Inc.



Robert L. Caron, Senior Vice President

October 15, 1998